

CHRISTINE K. CORNWALL-PONCE

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ATTORNEY FOR PLAINTIFF: PLAINTIFF DEFENDING HERSELF

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CHRISTINE K. CORNWALL-PONCE]

PLAINTIFF,]

VS.]

DR. CHRISTINE ADAMS]

DR. ROBERT MARTIN]

WAIANAE COAST COMPREHENSIVE]

DEFENDANTS]

CV13 00109 ACK RLP
CIVIL ACTION NO.

COMPLAINT; SUMMONS; EXHIBITS

A; B; C; D

NEGLIGENT/MEDICAL MALPRACTICE

A) WCCHC—ACKNOWLEDGEMENT W/PLAINTIFF

B) DEPT. OF HEALTH AND HUMAN SERVICES

ACKNOWLEDGEMENT WITH PLAINTIFF

C) DEPT. OF COMMERCE AND CONSUMERS

AFFAIRS/COMPLAINT LETTER

D) AUTOPSY REPORT

Summons

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
MAR 05 2013
at 1 o'clock and 10 P.M.
SUE BEITIA, CLERK

CHRISTINE K. CORNWALL-PONCE

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TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

I stand before you today simply because I am unable to obtain an attorney to assist me in handling my negligent/malpractice lawsuit against Waianae Coast Comprehensive Health Center and its two physician's, Dr. Robert Martin and Dr. Christina Adams. They were my now deceased husband's primary care provider's. It totally devastated me upon learning of my husband's stage 4 lung cancer in March 11, 2011. Since his death I have been in this stressful situation trying to obtain an attorney to assist me. I have literally almost wasted , or you could say losing a year in statutes of limitations actually waiting for an attorney to call me back to inform me whether they were going to accept my case or not. When I was declined I became depressed to say the least , like adding salt on a wound with my husband's negligent death. I am in a desperate situation right now in obtaining counsel-that the passing of my husband and the total emotional upheaval and the turning upside down of my whole world and life has taken a toll on my life as of this writing. I have encountered so much apprehension and negativity and it was stated to me that my law suit would not be lucrative enough for these attorney to take my case from at least two dozen attorneys who have explained the protocol and procedures as if my husband's death was my fault and I have to prove to the courts that his death was negligent and totally a breach of care from the doctor's care of service.

Since Waianae Coast Comprehensive Health Center is insured by the Department of Health and Human Services as I was told and their employees are considered government employees and under the TORT SYSTEM which falls under the Federal jurisdiction and not the State of Hawaii-even though they have their licenses with the State- and is a non-profit entity, I would have to pursue my lawsuit in the Federal Courts.

Here I stand today , before you, Your Honor, pleading my case without an attorney, to inform you from the year that the cancerous Nodule was seen in the e-xray in 2007— no follow up was done to investigate, research, biopsy, test , referrals to probe deeper into that nodule. In the interim my husband began getting sicker and sicker, losing weight, getting more frail each month . To add insult to injury he was seeing the doctor Christina Adams at least once a week for every little thing that was ailing him. Yes, he did have pre-existing conditions, in and out of emergency, put on the ventilator and sent home. He had emphysema, gout, bronchitis, psoriasis, and he was being treated for COPD-and this was all stabilized with medications and as he was getting older we attributed his illness due to old age and we reacted accordingly not even thinking that all his health issues were escalating because of this

cancerous nodule eating him up alive. Even though my husband was deathly ill, he was a fighting survivor—he was a retired military person, a Vietnam veteran, and a pleasant good natured, generous kind loving husband. I miss him dearly every day and some days it is worse than others, you cannot imagine being married for 21 years and growing old together, and loving and caring for my husband, the loss is unbelievable, a person has to personally experience this for themselves to understand the situation. I cherished and loved growing old with my thoughtful husband and seeing our hairs on our head turning gray together. My joy was cut short.

I come to you today Your Honor, not as a malicious, vindictive, seeking revenge spiteful widow—I have come for justice in this medical field, and need closure and legitimate reasons and truthful answers as to why they did not probe further pertaining to my husband's right lung. Well the old cliché saying goes, "if it ain't broke don't fix it." My husband and I were Adult Foster Care Providers, and have been for 12 years and still am. We both have and had reasonable amount of intelligence to know the difference and if push came to shove, if that right lung had to be removed, both him and I would approve to have it removed so he could at least have several more years to live. A lot of people function and live happy productive lives with one lung.

My experiences with at least 2 dozen attorneys have literally been bitter sweet and I have to say I was totally shocked with their opinions and thoughts and negativity with the complexities and complications of negligent/ medical malpractice cases. I have experienced that the majority did not want to touch my case with a ten foot pole. They were either all booked up and majority of them stated that they did not have the time and also explained to me that it would cost them too much money too pursue the case and I understood what they meant when they said it was not lucrative enough after everyone was paid ie witnesses, investigators etc. Another comment was made to me, saying my case if taken to court would be considered frivolous and would be thrown out. As if I was not depressed enough, for that attorney to make that statement to me. So many things were said to me that I was deeply hurt for some of their lack of understanding and it is not that I was looking or asking for sympathy. It made me more depressed I almost forgot I was in grieving mode and my head was in the war mode towards some verbally spiteful attorneys. I was told that I will not be able to pursue a case against WCCHC, and he advised me to obtain an attorney from the mainland. You cannot believe the gazillions of excuses and rhetoric all taking the sides of the physicians. In my case I have to say—there was nothing to investigate, no one needed an experienced investigator to probe into my husband's case. My husband's case was cut and dry, simply put black and white. When the nodule was seen on his e-xrays in 2007 and it even was suggested that it should be followed up on and investigated and probed—there were no progress notes or his medical records to substantiate the research into the noticed nodule till I took my husband to St. Francis West Emergency on March 11, 2011. Dr. Danilo Ablan a pulmonarist, there at the hospital emergency informed me at 9:00 a.m. my husband had stage 4 lung cancer and it has metastasized to his vital organs, heart and brain. I was dumbfounded—I did not know what to think or even catch my breath, I was unbelievably devastated. To think and imagine that my husband was going to the Waianae Coast Comprehensive Health Centers Emergency room services and to receive health care services from their physicians—made me think what are these doctors doing? You would think as often as he had been going to the doctor's you would think that at least and at some point

they could have said to him "Mr. Ponce, you have been coming to the doctor's more frequently than usual, and I would like to suggest to you, that we put you in the hospital for more intensive thorough indepth testing and to see what really is happening here, may I have your permission to have you admitted?" but nothing was ever suggested to my husband. The last appointment with the physician I stated to my husband when he came home- if you do not feel any better tomorrow I am taking you to the Emergency Room, which I did on March 11, 2011 at 6:45 a.m. The rest is history. He never came home. He was put in St. Francis Hospice in April 20, 2011 and died April 22, 2011.

I HAVE NO OTHER ALTERNATIVE, BUT TO REPRESENT MYSELF AS PLAINTIFF IN THIS CASE. I MAKE NO APOLOGIES FOR THIS. I PURSUE THIS CASE AS MY CIVIL RIGHT AND AS A HARD WORKING (AT MY AGE) TAX PAYING CITIZEN OF THE UNITED STATES OF AMERICA.

I have informed Mr. Biglow that I was representing myself—I have not heard a word from anyone. In this complaint, Your Honor, I would like to make a demand request of \$2,000,000.00 for my husband's negligent demise and for my extremely emotional pain and suffering. I pray for your consideration.

Your Honor Enclosed and attached are all correspondence I have made with all necessary parties pertaining to my husband's case with :

Waianae Coast Comprehensive Health Center Attn: Milo Huempfner

Department of Health and Human Services Attn: William A. Biglow

William A. Biglow (MTB)- Acting Deputy Associate General Counsel—Claims and Employment Law Branch

I did speak with Mr. Huempfner on June 12, 2012 and I received a letter of reprimand on July 31, 2012 for WCCHC to terminate providing services to me and my client Dennis Saito, shown in EXHIBIT A.

I have received letters from Department of Health and Human Services requesting a TORT CLAIM # see EXHIBIT "A" AND EXHIBIT "B". The letters were directed to me by the Department of Commerce and Consumer Affairs. I have not interacted or communicated with Mr. Biglow personally.

As of this writing I have not heard from anyone. But I did inform Mr. Biglow that I am pursuing my case myself. I have not received any reply. I am assuming that they are not taking my claim seriously enough.

I sincerely hope you will accommodate my settlement wishes with the Department of Health and Human Services TORT CLAIM # 2012-0494

Sincerely,

Christine K. Cornwall-Ponce

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